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EXAMINER	
NGUYEN, TOAN D	

ART UNIT	PAPER NUMBER
2472	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,677	LITWIN, LOUIS ROBERT	
	Examiner	Art Unit	
	TOAN D. NGUYEN	2472	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/19/10*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues on page 8, fourth paragraph that Hussa does not include even one occurrence of the word "menu", let alone "mention option menu, let alone providing a user with the same, let alone the remaining detailed limitations involving the same recited in claims 1, 7, and 13. The examiner disagrees. Husaa clearly teaches at paragraph [0031], lines 3-6 in the following passage: "The user is then notified of the locations of the access points included in the set, this may be performed by showing the selected access points on a map shown on the display (menu means) of the terminal device." Hussa teaches further at paragraph [0042], lines 21-23 in the following passage: "A terminal further includes a display unit 512 for displaying the locations of the access points (menu means) for the user."

The applicant argues that Hussa discloses that "at least one network access point external to the mobile communication network is selected on the basis of predetermined criteria" (Hussa, para. [0022]), thus, in contrast to providing a user with a menu option selection responsive to receiving the location(s) of the wireless local area network(s), Hussa obtains and stores such criteria before hand, i.e., before location(s) of the WLAN access point(s) has been sent to the user, hence, in this regard, Hussa teaches away from the reproduced limitations of claims 1, 7, and 13. The examiner disagrees. Hussa teaches in view of the PLMN, the selection of the access point (WLAN

access point) set may be internal process (i.e., it may be reside in the UE, Radio Access Network, or Core Network) or an external process (i.e., it may reside outside the PLMN) (see paragraph [0034]). The internal selection process includes network-assisted mobile-based positioning, where the terminal calculates its location estimate, which is then used to select the access point set (see paragraph [0038], lines 21-26). The paragraph [0022] which the applicant refers to is discussed in detail at paragraph [0039] as an external selection process. The applicant argues further that figure 5 of Hussa shows repository 406/407 storing "selection criteria", where the data repository corresponds to a network element (Hussa, para. 0042) and not to a mobile device to allow the same to provide such menu selection option responsive to receiving the location information as recited in claims 1, 7, and 13. The examiner disagrees. Hussa teaches paragraph [0042], FIG. 5 for the external selection process as the examiner already explained above. Furthermore, Hussa clearly teaches "if the network element is a terminal, the information transferred through the transceiver unit depends on the implementation in the above-describer manner." (where the data repository corresponds to a mobile device to allow the same to provide such menu selection option responsive to receiving the location information means).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. Gray (US 2004/0203873) in view of Shaheen et al. (US 7,047,036) further in view of Hussa US 2004/0156372).

For claim 1, H. Gray discloses method and system of informing WAN user of nearby WLAN access point, comprising:

transmitting a user request to a wireless service provider of a wireless network for a location of a wireless local area network (WLAN)(figure 5, page 4, paragraph [0035], lines 2-4); and

receiving from said wireless service provider said location of said wireless local area network (WLAN)(figure 5, reference step 6, page 4, paragraph [0039], lines 1-4).

However, H. Gray does not expressly disclose a user initiated request for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al. disclose a user initiated request for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et al.'s method and apparatus for handoff between a wireless local area network (WLAN) and a universal mobile telecommunication system (UMTS) in H. Gray's method and

system of informing WAN user of nearby WLAN access point with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

Furthermore, H. Gray in view of Shaheen et al. does not expressly disclose providing, responsive to said receiving step, a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN). In an analogous art, Hussa discloses providing, responsive to said receiving step, a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN)(the selection criteria may be fixed or the user may give them in connection with the service request. The user may, for example, request the access points within a certain distance from his or her current location. The user may also indicate a route and request the access points that are located within a certain distance from the route (selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN) means), paragraph [0032], lines 1-6). Hussa discloses the set selected may include only the access point with the best key figure or several access points having the best key figures (if the only selection criterion is the distance from the terminal, the key figure simply indicates the distance from the terminal and the access point, paragraph [0029], lines 10-12). The user is then notified of the locations of the access point included in the set, this may be perform by showing the selected access points on a map shown on the

display of the terminal device (a user with a menu option selection in a mobile device means), paragraph [0031], lines 1-6).

One skilled in the art would have recognized the providing, responsive to said receiving step, a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN), and would have applied Hussa's service request in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hussa's access point service for mobile users in H. Gray's method and system of informing WAN user of nearby WLAN access point with the motivation being to request the access points within a certain distance from his or her current location (paragraph [0032], lines 1-4).

For claim 2, H. Gray discloses further comprising after said step of transmitting said wireless service provider determining a wireless service area from which said transmitting originated (page 4, paragraph [0037], lines 1-16).

For claim 3, H. Gray discloses further comprising after said step of determining said wireless service provider obtaining said location of said wireless local area network WLAN based on said wireless service area (page 4, paragraph [0038], lines 2-9).

For claim 4, H. Gray discloses wherein said wireless network is a cellular telephone network (figure1, reference 10, page 2, paragraph [0020], line 1).

For claims 5, 9, and 20, H. Gray discloses wherein requesting a location of a wireless local area network WLAN relative to a specific location (page 4, paragraph [0035], lines 2-4).

H. Gray discloses wherein said controller processes said user request for said location of said wireless local area network WLAN based on a user provided location (page 4, paragraph [0040], lines 9-20 as set forth in claim 9); and wherein the user request for the location of the wireless local area network (WLAN) is transmitted by the mobile device when the mobile device is within the wireless service area (page 4, paragraph [0035], lines 2-4 as set forth in claim 20).

However, H. Gray does not expressly disclose said user initiated request for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al. disclose said user initiated request for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

Shaheen et al. disclose said user initiated for said location of said wireless local area network WLAN (col. 2, lines 32-35 as set forth in claim 9); and the user initiated for said location of said wireless local area network WLAN (col. 2, lines 32-35 as set forth in claim 20).

One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et

al.'s method and apparatus for handoff between a wireless local area network (WLAN) and a universal mobile telecommunication system (UMTS) in H. Gray's method and system of informing WAN user of nearby WLAN access point with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

For claim 6, H. Gray discloses wherein said location of said wireless local area network WLAN comprises one of a street address, a map location, longitude and latitude coordinates, and global positioning coordinates (page 5, paragraph [0043], lines 6-8).

For claim 7, H. Gray discloses method and system of informing WAN user of nearby WLAN access point, comprising:

a wireless transceiver for transmitting and receiving communication over a wireless network (figure 6, references 183 and 186, page 4, paragraph [0041], lines 12-13); and

a controller for processing a user request from a user of the apparatus over said wireless network for a location of a wireless local area network WLAN and processing receiving over said wireless network said location of said wireless local area network WLAN (figure 6, reference 180, page 4, paragraph [0041], lines 1-6).

However, H. Gray does not expressly disclose a user initiated request from a user of the apparatus for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al. disclose a user initiated request from a user of the apparatus for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et al.'s method and apparatus for handoff between a wireless local area network (WLAN) and a universal mobile telecommunication system (UMTS) with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

Furthermore, H. Gray in view of Shaheen et al. does not expressly disclose wherein a user is provided, responsive to receiving over said wireless network said location of said wireless local area network (WLAN), with a menu option selection for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN). In an analogous art, Hussa discloses wherein a user is provided, responsive to receiving over said wireless network said location of said wireless local area network (WLAN), with a menu option selection for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN)(the selection criteria may be fixed or the user may give them in connection with the service request. The user may, for example, request the access points within a certain distance from his or her current location. The user may also indicate a route and request the access points that are located within a certain distance from the route (a menu option selection for selecting a distance or distance range from a wireless service area of the

wireless network to said location of said wireless local area network (WLAN) means), paragraph [0032], lines 1-6). Hussa discloses the set selected may include only the access point with the best key figure or several access points having the best key figures (if the only selection criterion is the distance from the terminal, the key figure simply indicates the distance from the terminal and the access point, paragraph [0029], lines 10-12). The user is then notified of the locations of the access point included in the set, this may be perform by showing the selected access points on a map shown on the display of the terminal device (wherein a user is provided, responsive to receiving over said wireless network said location of said wireless local area network (WLAN), with a menu option selection means), paragraph [0031], lines 1-6).

One skilled in the art would have recognized the wherein a user is provided, responsive to receiving over said wireless network said location of said wireless local area network (WLAN), with a menu option selection for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN), and would have applied Hussa's service request in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hussa's access point service for mobile users in H. Gray's method and system of informing WAN user of nearby WLAN access point with the motivation being to request the access points within a certain distance from his or her current location (paragraph [0032], lines 1-4).

For claim 8, H. Gray discloses further comprising wireless baseband circuitry and WLAN baseband circuitry (page 4, paragraph [0041], lines 7-26).

For claim 10, H. Gray discloses wherein said controller processes said receiving of said location of said wireless local area network WLAN by displaying said location as one of a street address, map coordinates, longitude and latitude, and global positioning coordinates (page 5, paragraph [0043], lines 2-8).

For claim 11, H. Gray discloses wherein said wireless transceiver and said controller are within a cellular communication device (page 4, paragraph [0041], lines 7-13).

For claim 12, H. Gray discloses wherein said wireless network is a cellular telephone network (figure1, reference 10, page 2, paragraph [0020], line 1).

For claims 13, H. Gray discloses method and system of informing WAN user of nearby WLAN access point, comprising:

a wireless network for providing wireless communication services over a wireless service area (page 2, paragraph [0023]), and

a mobile device for sending a user request from said wireless service area across said wireless network for a location of a wireless local area network WLAN (figure 5, reference steps 1-3, page 4, paragraph [0035], lines 2-4), paragraph [0036], lines 2-4).

However, H. Gray does not expressly disclose a user initiated request for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al.

disclose a user initiated request for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et al.'s method and apparatus for handoff between a wireless local area network (WLAN) and a universal mobile telecommunication system (UMTS) with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

Furthermore, H. Gray in view of Shaheen et al. does not expressly disclose providing, responsive to said mobile device receiving the location of the wireless local area network, a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN). In an analogous art, Hussa discloses providing, responsive to said mobile device receiving the location of the wireless local area network, a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN)(the selection criteria may be fixed or the user may give them in connection with the service request. The user may, for example, request the access points within a certain distance from his or her current location. The user may also indicate a route and request the access

points that are located within a certain distance from the route (a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN) means), paragraph [0032], lines 1-6). Hussa discloses the set selected may include only the access point with the best key figure or several access points having the best key figures (if the only selection criterion is the distance from the terminal, the key figure simply indicates the distance from the terminal and the access point, paragraph [0029], lines 10-12). The user is then notified of the locations of the access point included in the set, this may be perform by showing the selected access points on a map shown on the display of the terminal device (providing, responsive to said mobile device receiving the location of the wireless local area network, a user with a menu option selection in a mobile device means), paragraph [0031], lines 1-6).

One skilled in the art would have recognized the providing, responsive to said mobile device receiving the location of the wireless local area network, a user with a menu option selection in a mobile device for selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN), and would have applied Hussa's service request in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hussa's access point service for mobile users in H. Gray's method and system of informing WAN user of nearby WLAN access point with the motivation being to request

the access points within a certain distance from his or her current location (paragraph [0032], lines 1-4).

For claim 14, H. Gray discloses wherein said location of said wireless local area network WLAN is based on a location of said wireless service area (page 4, paragraph [0037], lines 1-16).

For claim 15, H. Gray discloses wherein said location of said WLAN comprises one of a street address, map coordinates, latitude and longitude, and global positioning coordinates (page 5, paragraph [0043], lines 2-8).

For claim 16, H. Gray discloses wherein said wireless network comprises a cellular telephone network (figure1, reference 10, page 2, paragraph [0020], line 1).

For claim 17, H. Gray discloses wherein said mobile device comprises a cellular telephone (page 4, paragraph [0040], line 17).

For claim 18, H. Gray discloses wherein said mobile device comprises processing for receiving said location of said wireless local area network WLAN (figure 5, reference step 6, page 4, paragraph [0039], lines 1-4).

For claim 19, H. Gray in view of Shaheen et al. does not expressly disclose wherein the user initiated request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN. In an analogous art, Hussa discloses wherein the request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN (the selection criteria may be fixed or the user may give them in connection with the service

request. The user may, for example, request the access points within a certain distance from his or her current location. The user may also indicate a route and request the access points that are located within a certain distance from the route (selecting a distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network (WLAN) means), paragraph [0032], lines 1-6).

One skilled in the art would have recognized the wherein the request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN, and would have applied Hussa's service request in H. Gray's WAN user 52 requesting positions and/or directions to one or more nearby WLAN access points 24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hussa's access point service for mobile users in H. Gray's method and system of informing WAN user of nearby WLAN access point with the motivation being to provide the user request the access points within a certain distance from his or her current location (page 3, paragraph [0032], lines 1-4).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./

Examiner, Art Unit 2472

/William Trost/

Supervisory Patent Examiner, Art Unit 2472